

[File No. 20—377A3-1]

IN THE MATTER OF AN OFFERING SHEET OF OVERRIDING ROYALTY INTERESTS IN THE W. C. W. OIL CO., GARFIELD STREET ADDITION LEASE, FILED ON AUGUST 29, 1936, BY L. D. GREENFIELD COMPANY, RESPONDENT

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether or not an order should be entered suspending the effectiveness of the filing of an offering sheet of overriding royalty interests in the "W. C. W. Oil Co.—Garfield Street Addition Lease", located in Orange County, California, which offering sheet was filed with the Commission on August 29, 1936, by L. D. Greenfield Company, of New York City, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on October 5, 1936, and due notice thereof having been given to the said respondent and the said respondent having failed to appear, and evidence both oral and documentary having been introduced, and the hearing having been closed, and the Commission having found upon the evidence that said offering sheet is contradictory and misleading and incomplete and inaccurate in material respects, and omits to state material facts required to be stated therein and fails to comply with certain material requirements of the Rules and Regulations of the Commission, all as more fully set forth in the Findings and Opinion of the Commission filed in this proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be and same hereby is permanently suspended.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3625—Filed, December 1, 1936; 12:41 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of November A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE L. F. MCCURDY PERMIT FARM, FILED ON NOVEMBER 23, 1936, BY LANDOWNERS ROYALTIES COMPANY, RESPONDENT
SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the offering sheet covers two separate non-contiguous parcels or tracts of land.

(2) In that it does not clearly appear just what property is involved in the offering. (Items 2 (c), 3 (b), Division II).

(3) In that the statement in Item 10 (a), Division II, is not borne out by Exhibit A to the effect that the property involved is in the Kevin-Sunburst Field.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 30th day of December 1936; that an opportunity for hearing be given to the said respondent for the purpose of determining

the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 14th day of December 1936 at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3623—Filed, December 1, 1936; 12:40 p. m.]

Thursday, December 3, 1936

No. 187

DEPARTMENT OF AGRICULTURE.

Bureau of Animal Industry.

ORDER REGULATING THE HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Whereas, Section 57, 49 Stat. 750, approved August 24, 1935 (hereinafter called the Act), provides as follows:

In order to effectuate the policy declared in section 56 of this Act the Secretary of Agriculture shall have the power, after due notice and opportunity for hearing, to enter into marketing agreements with manufacturers and others engaged in the handling of anti-hog-cholera serum and hog-cholera virus only with respect to such handling as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such serum and virus. Such persons are hereafter in this Act referred to as "handlers." The making of any such agreement shall not be held to be in violation of any of the antitrust laws of the United States, and any such agreement shall be deemed to be lawful.

and

Whereas, Section 59 of the Act provides as follows:

Whenever all the handlers of not less than 75 per centum of the volume of anti-hog-cholera serum and hog-cholera virus which is handled in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce, have signed a marketing agreement entered into with the Secretary of Agriculture pursuant to section 57 of this Act, the Secretary of Agriculture shall issue an order which shall regulate only such handling in the same manner as, and contain only such terms and conditions as are contained in such marketing agreement, and shall from time to time amend such order in conformance with amendments to such marketing agreement. Such order shall terminate upon termination of such marketing agreement as provided in such marketing agreement.

and

Whereas, the Secretary of Agriculture, having reason to believe that a marketing agreement and an order with respect to the handling of anti-hog-cholera serum and hog-cholera virus would tend to effectuate the declared policy of Congress, contained in section 56 of the Act, to insure the maintenance of an adequate supply of anti-hog-cholera serum and hog-cholera virus by regulating the marketing of such serum and virus in interstate and foreign commerce and to prevent undue and excessive fluctuations and unfair methods of competition and unfair trade practices in such marketing, did, pursuant to the provisions of the Act, on

December 28, 1935, give notice of a public hearing and did cause a public hearing to be held at Omaha, Nebraska, January 13 and 14, 1936, at which time and place all interested parties were accorded an opportunity to be heard on a proposed marketing agreement and a proposed order regulating the handling of anti-hog-cholera serum and hog-cholera virus; and

Whereas, the Secretary of Agriculture finds upon evidence introduced at the said hearing and the record thereof:

(1) That not less than 75 per centum of the anti-hog-cholera serum and hog-cholera virus produced in the United States enters into the current of interstate and foreign commerce;

(2) That the regulation of the marketing of anti-hog-cholera serum and hog-cholera virus by the marketing agreement and order will tend to insure the maintenance of an adequate supply of anti-hog-cholera serum and hog-cholera virus and to prevent undue and excessive fluctuations and unfair methods of competition and unfair trade practices in such marketing;

(3) That the control agency is a proper agency to administer the marketing agreement and order and that the powers granted to and duties specified for such control agency are necessary for the administration of the marketing agreement and order and conform to the provisions of paragraph (C) of subsection (7) of Section 8c of the Agricultural Adjustment Act, as amended;

(4) That the expenses which will necessarily be incurred by the control agency during the remainder of the calendar year of 1936 for the maintenance and functioning of said agency will be approximately Twelve Hundred Fifty (\$1,250) Dollars; that such expenses are fair and reasonable; that the pro rata share thereof of each manufacturing handler in the amount of Two Dollars & Fifty Cents (\$2.50) for each million cubic centimeters (determined by the nearest whole number) of hyperimmune blood collected by such handlers during the preceding calendar year is fair and reasonable and is approved; and that the pro rata share thereof of each distributor-handler of the total amount of One Hundred (\$100) Dollars expended in defraying the expenses of the two members of the control agency representing such handlers (approximately Eighty-four (84) Cents for each million cubic centimeters determined by the nearest whole number and based upon each handler's percentage of the total of serum marketed by such handlers during the preceding calendar year, is fair and reasonable and is approved;

(5) That the reports required of handlers by the marketing agreement and order are reasonably necessary for the proper administration of the marketing agreement and order; and

Whereas, the Secretary of Agriculture finds that the marketing agreement regulating the handling of anti-hog-cholera serum and hog-cholera virus, executed by him on the 2nd day of December 1936, entered into pursuant to section 57 of the Act, has been signed by all the handlers of not less than 75 per centum of the volume of anti-hog-cholera serum and hog-cholera virus which was handled in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce during the calendar year 1935, which the Secretary determines to be a representative period;

Now, therefore, the Secretary of Agriculture, pursuant to the authority vested in him by the Act, hereby orders that such handling of anti-hog-cholera serum and hog-cholera virus as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such serum and virus, shall from the effective date hereof be in conformity to, and in compliance with, the following terms and conditions:

ARTICLE I—DEFINITIONS

SECTION 1. *Definition of terms.*—As used in this order, the following terms have the following meanings:

1. "Secretary" means the Secretary of Agriculture of the United States.

2. "Act" means the act to amend the Agricultural Adjustment Act, and for other purposes Public, No. 320, approved by the President August 24, 1935.

3. "Person" means individual, partnership, corporation, association, or any other business unit.

4. "Serum" and "virus" means anti-hog-cholera serum and hog-cholera virus, respectively, products used in the immunization of swine against hog cholera, manufactured and marketed in compliance with standards and regulations, promulgated by the United States Department of Agriculture, and serum and virus manufactured in a similar manner and for an identical purpose under license or authority of any State or otherwise, and marketed in interstate and foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce.

5. "Handler" means any person who is engaged in the handling of anti-hog-cholera serum and hog-cholera virus in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

6. "To handle" means to sell for shipment in, to ship in, or in any way to put into the channels of trade in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

7. "To market" means to consign or to sell or in any other manner transfer or convey title to, or any interest in, serum and/or virus in interstate or foreign commerce or so as to directly burden, obstruct, or affect interstate or foreign commerce, or to enter into any contract or arrangement to do or have done any of the said acts.

8. "Wholesaler" means that class of buyers comprising persons or agencies who do not administer serum and virus but are regularly engaged in purchasing and maintaining stocks of serum and virus in sufficient quantities to supply dealer demand, who are properly located and equipped with proper storage and distributing facilities to supply dealer demand, who resell principally to dealers, and who shall have been found by the control agency on submitted evidence acceptable to said control agency to perform in good faith the usual functions of a wholesaler, including, but without limitation, the absorbing of all expenses incidental to the advertising, transportation, and selling of serum and virus, after receipt by them, to other trade groups, together with the furnishing of field or veterinary service necessary to determine whether the products sold have served their purpose in specific cases.

9. "Dealer" means that class of buyers comprising veterinarians and other persons regularly engaged in administering serum and virus for service charges, drug stores, county farm bureaus, purchasers of serum for use in U. S. licensed stock yards vaccination, and agencies who maintain stocks of serum and virus in sufficient quantities under proper storage and distributive facilities for resale to ultimate consumers (owners of swine).

10. "Volume contract purchaser" means that class or classes of buyers comprising persons or agencies who regularly purchase, for delivery within a definite period of time, serum and virus in specified amounts, adequate, in the opinion of the control agency, to justify such special classification.

11. "Manufacturer" or "producer" means any person who manufactures or produces and is engaged in the handling or distribution of serum and virus in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

12. "Distributor" means any person who does not manufacture serum and/or virus, but is engaged in the handling or distribution of serum and/or virus in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

13. "Control agency" means the agency established pursuant to article II of this order.

14. "Books and records" means any books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, memoranda, or other data pertaining to the business of the person in question.

15. "Subsidiary" means any person, or over whom or which a handler or an affiliate of a handler has, or several

handlers collectively have, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

16. "Affiliate" means any person and/or subsidiary thereof, who or which has, either directly or indirectly, actual or legal control of or over a handler, whether by stock ownership or in any other manner.

ARTICLE II—CONTROL AGENCY

SECTION 1. *Membership and organization.*—1. A control agency is hereby established consisting of twelve (12) members. The original members and their respective alternates shall be as follows:

To represent manufacturers marketing their products principally through veterinarians:

1. E. A. Cahill, alternate A. E. Bott.
2. G. H. Williams, alternate John Gullfoill.
3. G. G. Graham, alternate C. J. Norden.
4. Dean Corsa, alternate E. G. Maxwell.
5. R. M. Young, alternate H. J. Shore.

To represent manufacturers marketing their products principally through other channels:

6. W. J. Kennedy, alternate J. H. Williams.
7. John E. Swain, alternate Myron Miller.
8. Dr. Frank R. Jones, alternate Fred Toler.
9. Dr. T. B. Huff, alternate L. R. Smith.
10. W. G. Peters, alternate Dr. J. L. Robinson.

To represent distributors marketing their products principally through veterinarians:

11. Thomas A. Edwards, alternate Dr. F. W. Cairy.

To represent distributors marketing their products principally through other channels:

12. A. H. Adams, alternate Dr. F. W. Klusmire.

who shall hold office for a term ending December 31, 1936, and until their successors are selected and qualified.

2. The successors to the members and their respective alternates named herein shall be selected by the Secretary annually at least fifteen (15) days prior to the termination of the term of office of their respective predecessors. Such selections shall be made by the Secretary from the respective nominees of groups hereinafter designated to make nominations. Nominations shall be made on December 1 of each year in the following manner: The handlers who are manufacturers marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of twenty (20) individuals to represent such handlers as members and/or alternates. The handlers who are manufacturers marketing their products principally through other channels, as a group, may nominate by inscribing on a ballot the names of twenty (20) individuals to represent such handlers as members and/or alternates. The handlers who are distributors marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of four (4) individuals to represent such handlers as members and/or alternates. The handlers who are distributors marketing their products principally through other channels may nominate by inscribing on a ballot the names of four (4) individuals to represent such handlers as members and/or alternates.

3. Each of the twelve (12) members of the control agency and each of the twelve (12) alternates shall be selected by the Secretary from the individuals in each of the four groups comprising the forty-eight (48) nominees for membership and/or alternates who receive the highest numbers, successively, of votes cast by handlers entitled to vote for nominees in each group. No two (2) individuals from the same partnership, corporation, association, or any other business unit, including agents, affiliates, subsidiaries, and/or representatives thereof, shall be selected for membership in or serve as members of the control agency at the same time. The nominees in each instance shall be nominated by a vote of the handlers who are entitled under the provisions of this order to vote for such nominees. At any election of nominees each handler shall be entitled to cast one (1) vote on behalf of himself, agents, partners, affiliates, subsidiaries, and/or representatives for each of the members of the control agency and their respective alternates for whom he is entitled to vote.

4. Members of the control agency and their respective alternates, subsequent to the members herein designated,

shall be selected annually for a term of one year beginning the first day of January, and shall serve until their respective successors shall be selected and shall qualify. Any individual selected as a member of the control agency or an alternate shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative.

5. To fill any vacancy occasioned by the removal, resignation, or disqualification of any member of the control agency or an alternate, a successor for his unexpired term shall be selected by the Secretary from nominees selected by the respective group of handlers in whose representation the vacancy has occurred, such nominees to be determined by the selection by the proper group as specified in paragraph 2 of this section of two (2) nominees for each vacancy to be filled and selected in the manner specified in paragraph 3 of this section. Such selection of nominees shall be made within thirty (30) days after such vacancy occurs. If a nomination is not made within such thirty (30) days, the Secretary may select an individual to fill such vacancy.

6. The members of the control agency shall select a chairman from their membership, and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The agency shall select such other officers and adopt such rules not inconsistent with the provisions of this order for the conduct of its business as it may deem advisable. The agency shall give to the Secretary or his designated agent the same notice of meetings of the control agency as is given to members of the agency and their alternates.

7. A reasonable compensation to be determined by the control agency, to be paid to the Secretary of the control agency, and the expenses of the members of the control agency while engaged in the business of the control agency, shall be necessary expenses to be incurred by the control agency for its maintenance and functioning under the provisions of article III hereof.

SEC. 2. *Powers.*—The control agency shall have power:

- (1) To administer, as hereinafter specifically provided, the terms and provisions hereof;
- (2) To make, in accordance with the provisions herein-after contained, administrative rules and regulations;
- (3) To receive, investigate, and report to the Secretary of Agriculture complaints of violations of this order; and
- (4) To recommend to the Secretary of Agriculture amendments to this order.

SEC. 3. *Duties.*—It shall be the duty of the control agency:

- (1) To act as intermediary between the Secretary and any handler;
- (2) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall, at any time, be subject to the examination of the Secretary;
- (3) To furnish to the Secretary such available information as he may request;
- (4) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of any such employees;
- (5) To establish and/or foster any agency for the purpose of securing new or improved markets for the serum and virus industry through marketing research. The expenses of such expansion or improvement of markets through research shall be a necessary expense incurred by the control agency for its maintenance and functioning, and shall be defrayed by it from funds collected pursuant to article III of this order; and
- (6) To make such disbursements as may be necessary to meet expenses necessarily incurred by the control agency for its maintenance and functioning under the provisions of this order.

SEC. 4. *Procedure.*—1. All decisions of the control agency except where otherwise specifically provided, shall be by a three-fourths ($\frac{3}{4}$) vote of the members who have qualified by filing their written acceptance and who are eligible to vote.

2. The control agency may provide for voting by its members by mail or telegraph upon due notice to all members,

and when any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the control agency.

3. The members of the control agency (including alternates, successors or other persons selected by the Secretary), and any agent or employee appointed or employed by the control agency, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the control agency, shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

4. If a member of the control agency shall be a party in interest to any dispute or complaint, or a representative of such party in interest, he shall, for the purpose of the consideration of such dispute or complaint, be disqualified as a member of the control agency. Such disqualification, however, shall not be deemed to create a vacancy in the control agency.

5. The alternate for each member of the control agency shall have the power to act in the place and stead of such member in his absence and/or in the event of his removal, resignation, or disqualification until a successor for such member's unexpired term has been selected.

6. The control agency, subject to the disapproval of the Secretary, may select an executive committee of not more than four (4) members who shall be empowered to act for the control agency in the routine administration of this order, at such times as the control agency is not meeting and cannot be conveniently convened for the purpose. Any and all acts of the executive committee shall be subject to the approval of the control agency, which shall take action with respect to any act of the executive committee at the next meeting of the control agency held immediately following any action by the executive committee.

SEC. 5. *Funds*.—All funds received by the control agency, pursuant to any provision of this order, shall be used solely for the purpose therein specified and shall be accounted for in the following manner:

1. The Secretary shall require the control agency and its members, or alternates acting as members, to account for all receipts and disbursements.

2. Upon the removal or expiration of the term of office of any member of the control agency, or of an alternate acting as a member, such member or alternate shall account for all receipts and disbursements, and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and/or claims vested in such member or alternate pursuant to this order.

3. Upon the termination or suspension of this order or of any provision thereof, the funds of the control agency shall be disposed of in the manner provided in article VII, section 2, paragraph 4 of this order.

ARTICLE III—ASSESSMENTS

SECTION 1. *Expenses*.—1. Each handler shall pay to the control agency, upon demand, such handler's pro rata share, as is approved by the Secretary, of the expenses in the amount of \$15,000 (which amount the Secretary has found will necessarily be incurred by the control agency during the year ending December 31, 1936), or expenses in such other amount, as the Secretary may later find will necessarily be incurred by the control agency during the said year for the maintenance and functioning of the control agency during said year, as set forth in this order.

2. Subsequent to the year ending December 31, 1936, every handler shall pay the control agency, upon demand, such handler's pro rata share, as may be approved by the Secretary, of such expenses as the Secretary may find will necessarily be incurred by the control agency during any period specified by the Secretary for the maintenance and functioning of the control agency, as set forth in this order.

SEC. 2. *Shares*.—1. The share of such expenses for each handler who is a manufacturer shall be that amount which is paid to the control agency pursuant to paragraph 4 of this section, and such pro rata share is hereby approved by the Secretary. These assessments may be adjusted, from time to time, by the control agency, with the approval of the Secretary, in order to provide funds sufficient in amount to cover any later findings by the Secretary of estimated expenses or the actual expenses of the control agency during the said year.

2. The share of such expenses for each handler, who is a distributor marketing his products principally through veterinarians, shall be such handler's pro rata share (to be computed by the disinterested agency selected under the provisions of paragraph 4 of this section and shall be based upon such handler's percentage of the total of serum marketed by such handlers during the preceding calendar year) of the total amount expended in defraying the expenses of the two (2) members of the control agency who have been selected by the Secretary to represent such handlers, pursuant to the provisions of article II. Such pro rata share of expenses shall be subject to the approval of the Secretary. These assessments may be adjusted, from time to time, by the control agency, with the approval of the Secretary, in order to provide funds sufficient in amount to cover any later findings by the Secretary of estimated expenses or the actual expenses of the control agency during the said year.

3. The share of such expenses for each handler, who is a distributor marketing his products principally through other channels, shall be such handler's pro rata share (to be computed by the disinterested agency selected under the provisions of paragraph 4 of this section and shall be based upon such handler's percentage of the total of serum marketed by such handlers during the preceding calendar year) of the total amount expended in defraying the expenses of the two (2) members of the control agency who have been selected by the Secretary to represent such handlers, pursuant to the provisions of article II. Such pro rata share of expenses shall be subject to the approval of the Secretary. These assessments may be adjusted, from time to time, by the control agency, with the approval of the Secretary, in order to provide funds sufficient in amount to cover any later findings by the Secretary of estimated expenses or the actual expenses of the control agency during the said year.

4. Within five (5) days after this order becomes effective, and on January 15 of each year thereafter, while this order is effective, each manufacturer who is a handler shall furnish the Secretary, through a disinterested agency, to be selected by the control agency and approved by the Secretary, a report which shall be sworn to and which shall set forth the amount of hyperimmune blood which has been collected by such handler during the preceding calendar year, and each distributor who is a handler shall furnish the Secretary, through such disinterested agency, a report which shall be sworn to and which shall set forth the amount of serum marketed by such handler during the preceding calendar year. The control agency shall inform the disinterested agency concerning the total amount of expenses to be paid by handlers who are manufacturers and by handlers who are distributors. The pro rata share of expenses to be paid by each manufacturer who is a handler shall be based upon such handler's percentage of the total amount of hyperimmune blood which has been collected by such handlers during the preceding calendar year. During the calendar year 1936, each manufacturer who is a handler shall pay the control agency thirty (30) dollars with respect to each million cubic centimeters (determined by the nearest whole number) of hyperimmune blood collected by such handler during the preceding calendar year, as determined by the reports submitted pursuant to this paragraph. Such payments shall become due in quarterly installments beginning January 1 of each year, and shall be made to the disinterested agency, which shall transmit the total amount received from all handlers to the control agency without disclosing the amount of each payment made by individual handlers. A quarterly report shall be made to the Secretary by such disinterested

agency, setting forth the amount of the quarterly payment made by each handler. Any funds derived from assessments or any other source which have not been expended by the control agency at the end of the calendar year shall be carried over by the control agency to be expended during the succeeding calendar year.

ARTICLE IV—FILING OF PRICES AND TERMS OF SALE FOR SERUM AND VIRUS.

SECTION 1. *Open prices.*—1. Each handler shall file with the Secretary and the control agency, within ten (10) days after the effective date of this order, a separate list of his selling prices in the United States, including terms of sale and discounts to each class of buyers, as defined in this order or under the provisions thereof, other than those specified in section 2 of this article. All filed prices to dealers and wholesalers shall be on a delivered basis where the amount sold is 3,000 cc or more. Each handler's prices, discounts, and terms of sale shall be uniform for all buyers in each classification of the trade as defined by the control agency pursuant to this order.

2. The price list for each class of buyers filed by a handler may, subject to the limitations set forth in paragraph 3 of this section, be modified at any time by such handler by filing for any class of buyers a new or amended list of prices, including discounts and terms of sale, which shall only become effective when said new or amended list shall have been on file for three (3) days in any office designated by the control agency: *Provided, however,* That in the event such list is mailed by registered letter or telegraphed to such office, it shall be deemed to have been filed either (a) at the time during usual business hours it is actually delivered in such office, or (b) at the time during usual business hours such communication would have been received, considering the usual time required for the means of communication used, in the absence of delays in transit, whichever time is the earlier.

3. Each handler shall make no sales unless he has an effective price list, including discounts and terms of sale as set forth in paragraph 1 of this section, filed with the control agency, and that after any such price list or amended price list becomes effective, he shall make no sales at prices, discounts or terms of sale different from those set forth in his latest effective list, and shall file no new or amended price list until his most recently filed price list for any class of buyers becomes effective; *Provided, however,* No handler shall withdraw any filing of a price list prior to the effective date of such price list.

4. The control agency shall immediately upon receipt of any such new or amended price list, give written notice thereof to each of the handlers and to the Secretary. All price lists shall be made immediately available to the daily and trade press and to the consuming public by employing a means of communication at least as rapid as that used to notify the handlers and the Secretary.

SEC. 2. *Exceptions to filed prices.*—1. The provisions of this order shall not apply to any sales made by any handler for delivery outside the United States.

2. If the Secretary has reason to believe, from economic data directly available to him or secured by him under the provisions of the act, that any price list, term of sale or discount, in whole or in part, is inequitable to consumers or handlers by reason of the fact that it may cause immediate injury by impeding the carrying out of this order or the effectuation of the declared policy of the act or by creating an abuse of the privilege of exemptions from the antitrust laws, he may suspend the effectiveness of such price list, term of sale or discount, in whole or in part, pending an investigation which shall be completed as soon as practicable, and he shall report such suspension to the control agency, who shall in turn immediately notify the handler whose price filing has been suspended. The Secretary may declare a filed price, discount, or term of sale, in whole or in part, to be ineffective if, after an investigation and an opportunity to be heard has been afforded the handler whose price filing is questioned, the Secretary finds from the facts presented during such investigation that such

price list, term of sale, or discount, in whole or in part, is inequitable as measured by the standards set up in this paragraph.

SEC. 3. *Classes of buyers.*—The control agency, subject to the disapproval of the Secretary, shall upon the basis of a written request supported by economic data sufficiently adequate to warrant a conclusion that such definition is neither unreasonable nor discriminatory, define all classes of buyers not defined in this order, and shall, subject to the disapproval of the Secretary, determine in specific cases whether any person who is a handler or who is about to become a handler comes within any class of buyers herein or hereafter defined, and shall compile, subject to the disapproval of the Secretary, lists of persons comprising each class of buyers, such lists and additions thereto to be filed immediately with the Secretary and distributed to the handlers.

SEC. 4. *Uniform sales invoices.*—The control agency, subject to the disapproval of the Secretary, may formulate and adopt uniform sales invoices for handlers. After the adoption of such uniform sales invoices, all sales of serum and/or virus by handlers to all classes of buyers shall be made in accordance with the terms of such invoices, and prices and terms of sale therein shall conform to the seller's filed prices and terms of sale, effective at the time of making sales covered by such invoices.

ARTICLE V—UNFAIR METHODS OF COMPETITION AND UNFAIR TRADE PRACTICES

SECTION 1. *Secret rebates.*—1. The secret payment or allowance of rebates, refunds, commissions, or unearned discounts, whether in the form of money or otherwise, or secretly extending to certain purchasers special services or privileges, not extended to all purchasers under like terms and conditions, with the intent and with the effect of injuring a competitor, and where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice, and is prohibited.

2. To sell other products at less than reasonable market value thereof, for the purpose or with the effect of influencing sales of serum and/or virus, is prohibited.

SEC. 2. *Enticing employees.*—Maliciously enticing away the employees of competitors with the purpose and effect of unduly hampering, injuring, or embarrassing competitors in their businesses is an unfair trade practice, and is prohibited.

SEC. 3. *Defamation of competitors.*—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representation, or the false disparagement of the grade or quality of their serum and/or virus, with the tendency and capacity to mislead or deceive purchasers or prospective purchasers, is an unfair trade practice, and is prohibited.

SEC. 4. *Sale by false means.*—The sale or offering for sale of any serum and/or virus by any false means or device which has the tendency and capacity to mislead or deceive customers or prospective customers as to the quantity, quality, or substance of such serum and/or virus is an unfair trade practice, and is prohibited.

SEC. 5. *Consignment shipping.*—Shipping serum or virus on consignment, with the intent and with the effect of injuring a competitor, and where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice, and is prohibited.

SEC. 6. *False invoicing.*—Withholding from or inserting in the invoice statements which make the invoice a false record, wholly or in part, of the transaction represented on the face thereof, is prohibited.

SEC. 7. *Misleading advertising.*—1. The making, causing, or permitting to be made, or publishing of any false, untrue, misleading, or deceptive statement, by way of advertisement or otherwise, concerning the grade, quality, quantity, character, nature, origin, preparation, or use of serum and virus is an unfair trade practice and is prohibited.

2. The use by handlers who are distributors of the words "Serum Company", "Serum Laboratories" or other equiva-

lent words on letterheads, signs, advertising matter, and otherwise where such practice tends to mislead and deceive purchasers and consumers into belief that such distributor is a manufacturer, where in fact he is not, is prohibited.

SEC. 8. *Emergency reserve.*—Each manufacturer who is a handler shall have available on May 1 of each year a supply of completed serum equivalent to not less than forty (40) percentum of his previous year's sales.

ARTICLE VI—AMENDMENTS

SECTION 1. *Proposals.*—Amendments to this order may, from time to time, be proposed by handlers subject hereto or by the control agency.

SEC. 2. *Hearing and amendment.*—After due notice and opportunity for hearing and upon determination by the Secretary that the proposed amendment has been incorporated in the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by the Secretary on the 2nd day of December 1936, the Secretary shall amend this order in conformance with such amendment to the said marketing agreement, and such amendment shall become effective at such time as the Secretary may designate.

ARTICLE VII—EFFECTIVE TIME AND TERMINATION

SECTION 1. *Effective time.*—This order shall become effective at such time as the Secretary may determine the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by him on the 2nd day of December 1936, has been executed by all the handlers of seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing year and may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways herein-after specified.

SEC. 2. *Termination.*—1. The Secretary may at any time terminate this order as to all parties subject thereto by giving at least seven (7) days' notice by means of a press release or in any other manner which the Secretary may determine.

2. The Secretary shall terminate this order at the end of the then current marketing period (December 31) whenever he finds that such termination is favored by all the handlers of not less than seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing period.

3. This order shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

4. Upon the termination or suspension of this order or of any provision thereof, the members of the control agency then functioning, or such other persons as the Secretary may from time to time designate, shall, if so ordered by the Secretary, liquidate the business of the control agency under this order, and dispose of all funds and property then in the possession or under the control of the control agency, together with claims for any funds which are unpaid or property not delivered at the time of such termination. The control agency or such other persons as the Secretary may designate (a) shall continue in such capacity until discharged by the Secretary, (b) shall, from time to time, account for all receipts and disbursements and/or deliver all funds and property on hand, together with the books and records of the control agency, to such person or persons as the Secretary shall direct, and (c) shall, upon the request of the Secretary, execute such assignments, or other instruments necessary or appropriate to vest in such person or persons full title to all the funds, property, and/or claims vested in the control agency pursuant to this order. Any funds collected for expenses, pursuant to the provisions of this order, and held by the control agency or such person or persons, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the control agency or such person or persons, shall be returned to the contributing handlers in proportion to the contributions of each handler, or shall be expended by the control agency for a purpose not inconsistent with the provisions of this order and in a manner which the handlers shall

determine by a three-fourths ($\frac{3}{4}$) vote of such handlers. The control agency or such person or persons shall observe the procedure governing the actions of the control agency as established under the provisions of section 4 of article II of this order. Any person to whom funds, property, and/or claims have been delivered by the control agency or its members upon direction of the Secretary, as provided in this paragraph, shall be subject to the same obligations and duties with respect to said funds, property, and/or claims as are imposed upon the members of the control agency.

ARTICLE VIII—DURATION OF IMMUNITIES

SECTION 1. *Immunities.*—The benefits, privileges, and immunities conferred by virtue of this order shall not extend or be construed to extend further than is necessary for the purpose of carrying out the provisions of this order and shall cease upon its termination except with respect to acts done under and during the existence of this order, and benefits, privileges and immunities conferred by this order upon any party subject hereto shall cease upon its termination as to such party, except with respect to acts done under and during the existence of this order.

ARTICLE IX—AGENTS AND COMMITTEES

SECTION 1. *Agents.*—The Secretary may by designation in writing name any person (not subject to this order), including any officer or employee of the Government or bureau or division of the Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this order.

SEC. 2. *Committees.*—The Secretary may select such committees to meet with or advise the control agency as he deems necessary for the proper functioning of the control agency under the provisions of this order. One such committee or its representative shall represent the interests of consumers. The expenses for the maintenance and functioning of the advisory committees may be included within the budget submitted to the Secretary for approval, pursuant to section 1 of article III of this order, and may be met by the control agency from funds paid to it for the maintenance and functioning of the control agency.

ARTICLE X—DEROGATION

SECTION 1. *Derogation.*—Nothing contained in this order is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (1) to exercise any powers granted by the act or otherwise, and/or (2) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

ARTICLE XI—LIABILITY OF CONTROL AGENCY

SECTION 1. *Liability.*—No member of the control agency nor any employee thereof shall be held responsible individually in any way whatsoever to any handler subject hereto or any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member or employee, except for acts of dishonesty. The contractual obligations of the handlers hereunder are several and not joint, and no handler shall be liable for the default of any other handler.

ARTICLE XII—SEPARABILITY

SECTION 1. *Separability.*—If any provision of this order is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this order, and/or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

In witness whereof, the Secretary of Agriculture does hereby execute in duplicate and issue this order in the city of Washington, District of Columbia, on this 2d day of December 1936 and pursuant to the provisions hereof declares this order to be effective on and after 12:01 a. m., e. s. t., December 7, 1936.

[SEAL]

H. A. WALLACE.
Secretary of Agriculture.

Bureau of Biological Survey.

REGULATIONS FOR THE ADMINISTRATION OF WICHITA MOUNTAINS
WILDLIFE REFUGE, OKLAHOMA

By virtue of authority conferred upon the Secretary of Agriculture by section 10 of the act of February 18, 1929 (45 Stat. 1222), section 84 of the act of March 4, 1909 (35 Stat. 1104), as amended by act of April 15, 1924 (43 Stat. 98), to protect wildlife and property on Federal reservations, the act of January 24, 1905 (33 Stat. 614), and otherwise, the following regulations are hereby prescribed, effective December 2, 1936, for the administration of the Wichita Mountains Wildlife Refuge, Oklahoma.

REGULATION 1—ENTRY UPON THE REFUGE

Entry upon the refuge unless otherwise provided shall be only under appropriate permit issued for the purpose, except that permits will not be required of any person—

For admission to the headquarters of the superintendent when entry and departure are by the usual line of travel;

For through traffic and travel on the main highways under the conditions and restrictions hereinafter set forth;

For access to any part of the refuge when accompanied by the superintendent or his authorized representative;

For entry and temporary use for recreational or other appropriate purposes of any camp site or other area specifically designated for the use of the public so long as such use and occupancy is in accordance with these regulations and does not interfere with the purpose for which the refuge was established.

REGULATION 2—RECREATIONAL AREAS

The following areas are hereby designated as recreational areas for the use of the public, in which camping, hiking, bathing, and fishing are permitted in accordance with these regulations:

All that part of the Refuge including reservoirs and lakes lying south of and including the Scenic Highway, which runs in a general northwesterly and southeasterly direction through the southern half of the refuge and enters and leaves the refuge in section 9, T. 3 N., R. 15 W., on the northwest and in section 24, T. 3 N., R. 14 W., on the southeast; Lake Jed Johnson, part of Lake Rush, and the Easter pagent areas, located in parts of sections 17, 18, 7, and 8, T. 3 N., R. 13 W.; the Mount Scott scenic drive, the Mount Scott camp ground, and Lake Thomas areas in parts of sections 11, 12, 13, and 14, T. 3 N., R. 13 W., as designated and marked by the superintendent of the refuge; and all main-traveled roads leading thereto: *Provided*, That bathing will not be permitted in French Lake or in the so-called fish-cultural lakes extending from the Scenic Highway near headquarters to the upper end of Lost Lake on Lower West Cache Creek, and fish may be taken only from such waters within such areas as may be designated for fishing as hereinafter provided: *Provided further*, That the superintendent will designate and mark the limits of all camp grounds within the recreational areas to which camping shall be confined, and no camps shall be established or fires built at places other than such designated sites.

Camping.—(a) No camping will be permitted outside specially designated camp areas, and overnight camping is specifically forbidden for more than seven consecutive days without special permit of the superintendent. (b) Campers shall at all times maintain the camp site occupied by them in a clean and sanitary condition, and must burn combustible rubbish on camp fires and place all other garbage and refuse in receptacles provided for that purpose; and dumping or placing garbage or other refuse or debris by any person on any camp site or other part of the Refuge, or the abandonment of personal property thereon is not permitted. (c) Campers shall not wash clothing or cooking utensils in any waters of the Refuge, or pollute these waters in any other manner, and shall dispose of all waste water in such way as not to contaminate refuge waters. (d) Campers shall completely extinguish camp fires when no longer needed and shall smother with earth or extinguish with water all members so that there shall be no danger of

reignition; special care must be observed to prevent lighted matches, cigars, cigarettes, or pipe ashes from being dropped in grass or other inflammable material.

Bathing.—(a) Bathing will be permitted only in the reservoirs or lakes hereinbefore designated. (b) Where bath houses are furnished for the use of the public the users thereof will assume full responsibility for lost or stolen articles. (c) Bathing will be permitted in designated waters each day from May 1 to September 15, of each year, during the hours from daylight to dark, except at Quanah Parker, Burford, and Sunset Lakes, where bathing will be permitted each day until midnight: *Provided*, That the superintendent may suspend bathing privileges for such period as he deems necessary in any reservoir or lake when, in his opinion, an emergency exists, or when such bathing is not compatible with the administration of the Refuge.

Fishing.—Fish may be taken for noncommercial purposes from designated reservoirs or lakes of the refuge under permit issued by the superintendent in accordance with the laws of the State of Oklahoma during such times, in such numbers, in such manner, and at such rate of charge, if any, as the Chief, Bureau of Biological Survey, may from time to time determine to be appropriate: *Provided*, That the use of live bait in taking or attempting to take fish or seining of minnows for bait in any of the waters of the Refuge is prohibited: *And provided further*, That no live fish, frogs, or turtles taken elsewhere shall be liberated in the waters of the Refuge without a permit from the Chief, Bureau of Biological Survey, except that permit is not required for planting game or food fish or game or food fish fry by or under the direction of the State Fish and Game Warden of Oklahoma or the United States Bureau of Fisheries.

REGULATION 4—MOTOR VEHICLES

Automobiles and other motor-propelled vehicles entering the Refuge shall be mechanically safe and in good operating condition and shall be operated in accordance with the following conditions and restrictions:

Such vehicles shall be confined to highways, roads, camp grounds, and parking areas designated for travel and public use and shall be so operated as to be under safe control at all times; the speed shall be kept within such limits as may be necessary to avoid accidents, or injury to wild animals or birds on the Refuge; the speed of automobiles and other motor-propelled vehicles, except cars used by Government officials in case of emergency or in law enforcement work on the Refuge, is limited to 35 miles an hour on all roads, highways, and designated routes within the Refuge except at specific points so designated, where a different limit may be determined by the superintendent to be in the interest of safety. The operation of motor-propelled vehicles within the Refuge shall conform to the laws of the State of Oklahoma governing the operation of such vehicles except where further restricted by or under this regulation. Drivers of all vehicles shall comply with directions of all official traffic signs and the personal direction of the superintendent or his authorized representative when directing traffic within the Refuge on any special occasion or under congested traffic conditions. No person who is under the influence of intoxicating liquor shall operate or drive a motor-propelled vehicle of any kind on any road or highway or in any other part of the Refuge. Any violation of traffic regulations within the Refuge shall invalidate the original permission accorded the offender to enter the Refuge and he shall remove his vehicle from and personally leave the Refuge as directed by the superintendent or his authorized representative, and his presence on the area shall be deemed a continuous trespass for the purpose of enforcement of these regulations and will subject him to ejection from the Refuge or to arrest and prosecution, or both, and each violation shall constitute a separate offense.

REGULATION 5—PRESERVATION OF PUBLIC PROPERTY AND NATURAL FEATURES

The destruction, injury, defacement, removal, or disturbance in any manner of any building, notice, sign, signboard,

equipment, fence, post, road, trail, dike, dike embankment, dam, bridge, fireplace, grate, table, bench, camp equipment, or of any other public property of any kind; or of any tree, flower, vegetation, rock, or soil; or of any animal, bird, or other form of wildlife is prohibited, and any offender of the acts herein forbidden shall be subject to the penalties provided by law.

REGULATION 6—SCIENTIFIC STUDIES

Entry upon the Refuge for scientific study, for taking photographs thereon, or for other like purposes, when not inconsistent with the objects for which the Refuge was established, may be allowed under permit and under such conditions as may be prescribed by the superintendent.

REGULATION 7—REMOVAL OF SURPLUS AND INJURIOUS OBJECTS

The removal of surplus or injurious animal life or other products of the refuge and the disposal thereof in accordance with law, regulations, and orders of the Secretary of Agriculture, shall be made by the superintendent under the direction of the Chief, Bureau of Biological Survey.

REGULATION 8—DOMESTIC ANIMALS

The ranging or grazing of cattle or other domestic stock upon the Refuge, the running at large or release of dogs or cats thereon, or allowing the entry of any such animals upon the Refuge for any purpose except as specifically authorized under these regulations, is not permitted.

REGULATION 9—ECONOMIC UTILIZATION OF RESOURCES

Permits to graze livestock, harvest hay or stock feed, remove timber or firewood, occupy or cultivate areas, use any material of commercial value, or make other use of the refuge not inconsistent with its objects may be issued by the superintendent under such conditions as may be deemed appropriate, and at such rates of charge, if any, as may be ascertained and determined to be commensurate with the value of the privilege granted, by the Chief, Bureau of Biological Survey. Any domestic animal grazed on or using the refuge under permit that may die on the refuge shall be buried immediately by the owner or person having charge of such animal, at least two feet under ground and not less than one-fourth mile from any road, trail, highway, camp site, or occupied area as directed by the superintendent or his authorized representative.

REGULATION 10—APPLICATION FOR PERMITS

Applications for permits shall be made in writing, addressed to the superintendent of the refuge, when the permits are authorized to be issued by him; otherwise to the Chief, Bureau of Biological Survey, Washington, D. C.

REGULATION 11—PRIVATE OPERATIONS AND ADVERTISING

No person, firm, or corporation shall engage in or solicit any business or erect buildings within the refuge without a permit issued by the superintendent upon such conditions and at such rates of charge, if any, as may be ascertained and determined by the Chief, Bureau of Biological Survey. Private notices or advertisements may not be posted, distributed, or displayed within the boundaries of the refuge, except that this prohibition shall not apply to names, addresses, and business designations of a permanent nature regularly carried on trucks, business automobiles, or other vehicles.

REGULATION 12—FIREARMS

Carrying, possessing, or discharging firearms on the refuge is not permitted: *Provided*, That the superintendent and other employees of the Department of Agriculture engaged in law enforcement or predator or rodent control may carry and use firearms on the refuge in the performance of official duties: *Provided further*, That persons authorized by permit of the Secretary of Agriculture, countersigned by the Chief, Bureau of Biological Survey, to take specimens of wildlife for scientific purposes on the refuge may use firearms when necessary in collecting such specimens. Persons crossing the

refuge may carry or transport unloaded, dismantled, or cased firearms over regularly established routes of travel.

REGULATION 13—EXHIBITION AND REVOCATION OF PERMITS

The holder of a permit shall exhibit it for inspection at any reasonable time upon request of any officer or employee of the Department of Agriculture engaged in the administration or enforcement of any law or regulation applicable to the refuge. A permit may be terminated at any time by agreement between the superintendent and the permittee; it may be revoked by the Chief, Bureau of Biological Survey, for noncompliance with the terms thereof or of these regulations, for nonuse, or for violation of any law, regulation, or order applicable to the refuge, or for violation of any State or Federal law protecting wildlife or the nests or eggs of birds; and it is subject at all times to discretionary revocation by the Secretary of Agriculture.

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the City of Washington, this 2d day of December 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 3623—Filed, December 2, 1936; 12:12 p. m.]

DEPARTMENT OF LABOR

Immigration and Naturalization Service.

[Sixth Amendment of General Order No. 229]

PORT OF ROCHESTER, NEW YORK, FOR THE ENTRY INTO THE UNITED STATES OF ALIENS ARRIVING BY AIRCRAFT

NOVEMBER 30, 1936.

Pursuant to the authority conferred by Subsection (d) of Section 7 of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; U. S. C., Ti. 49, Sec. 177 (d)), the Rochester Municipal Airport, Rochester, New York, is hereby designated as a temporary port for the entry into the United States of aliens arriving by aircraft.

Subparagraph (b), Paragraph 3, Subdivision A, Rule 3 of the Immigration Rules of January 1, 1930, as amended by General Order No. 229, dated December 21, 1935, and amendments thereto, is amended by adding the following after "Put-in-Bay, Ohio, Put-in-Bay Airport": Rochester, New York, Rochester Municipal Airport.

[SEAL]

FRANCES PERKINS, *Secretary*.

Approval recommended:

D. W. MACCORMACK,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 3627—Filed, December 1, 1936; 2:52 p. m.]

FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Basil Manly, Vice Chairman; Herbert J. Drane, Claude L. Draper, Clyde L. Seavey.

ORDER SETTING PUBLIC HEARING ON APPLICATION OF GEORGIA POWER & LIGHT COMPANY FOR APPROVAL OF ITS ACQUISITION OF THE PROPERTIES AND ASSETS OF FOLKSTON POWER COMPANY

[IT 5456-M]

The following order was adopted:

Upon application filed on October 23, 1936, under the provisions of Section 203 of the Federal Power Act by the Georgia Power & Light Company, a Georgia corporation, and the Folkston Power Company, a Florida corporation domesticated in the State of Georgia, for an order approving the acquisition by the Georgia Power & Light Company of all of the physical properties and corporate assets of the Folkston Power Company;

It is ordered:

(1) That a public hearing on said application be held at the hearing room of the Commission, 8th Floor, Carpenters Building, 10th and K Streets NW., Washington, D. C., at 10 a. m., on December 14, 1936;

(2) That the applicant, Georgia Power & Light Company, cause notice of said application and of said hearing to be published once in a daily or weekly newspaper of general circulation in the area served by the Folkston Power Company, in the following form and manner:

Federal Power Commission, Washington, D. C. Public Notice is hereby given that the Georgia Power & Light Company, a Georgia corporation, and the Folkston Power Company, a Florida corporation domesticated in the State of Georgia, having filed on October 23, 1936, an application under the provisions of Section 203 of the Federal Power Act for an order approving the acquisition by the Georgia Power & Light Company of all of the physical properties and corporate assets of the Folkston Power Company, a public hearing on said application will be held at the hearing room of the Commission, Carpenters Building, 10th and K Streets NW., Washington, D. C., at 10 a. m., on December 14, 1936.

This notice is published by the Georgia Power & Light Company in accordance with the Commission's order of December 1, 1936, in order that any protest against the approval of said application, or any request to be heard at the time of hearing thereon, with the reasons for such protest or request and the name and address of the party so protesting or requesting may be submitted before December 14, 1936, to the Federal Power Commission, Washington, D. C.

Adopted by the Commission on December 1, 1936.

[SEAL]

LEON M. FUQUAY,
Acting Secretary.

[F. R. Doc. 3629—Filed, December 2, 1936; 9:53 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of November A. D. 1936:

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr.; Ewin L. Davis; W. A. Ayres; Robert E. Freer.

[Docket No. 2819]

IN THE MATTER OF HOFFMAN BEVERAGE COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, that John L. Hornor, an examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony in this proceeding begin on Wednesday, December 16, 1936, at ten o'clock in the forenoon of that day, in room 823, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 3630—Filed, December 2, 1936; 11:47 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Fourth Section Application No. 16629]

OCEAN-RAIL RATES FROM AND TO SOUTHWESTERN TERRITORY

DECEMBER 2, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. A. Leland, Agent.

Commodities involved: Those subject to class and commodity rates.

Between: Points embraced in 23rd supplemental report in Consolidated Southwestern Cases, 211 I. C. C. 601.

Grounds for relief: Carrier competition; water competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 3631—Filed, December 2, 1936; 12 m.]

SECURITIES AND EXCHANGE COMMISSION.

SECURITIES EXCHANGE ACT OF 1934.

AMENDMENTS TO FORM 4

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 16 (a) and 23 (a) thereof, hereby amends Instructions 1, 5, 11, and 18 of Form 4 to read, respectively, as follows:

1. *Necessity of filing.*—This report should be filed with respect to equity securities of a single company, but only if that company has an equity security listed and registered on a national securities exchange. When no change in beneficial ownership occurs during any month, no report on Form 4 is required for such month.

5. *Signature.*—If the person reporting be a corporation, partnership, business trust, etc., the full name of such person should appear over the signature of an officer or other person authorized to sign. If the person reporting be an individual, the report should be signed by him, or specifically on his behalf by a person authorized to sign for him.

11. *All month-end holdings should be reported.*—Each Form 4 report required to be filed should not only reflect all changes occurring during the month, but should also state all direct and indirect holdings at the end of the month of every class of equity security of the issuer, whether listed or not, even though no change may have occurred during the month as to certain of such holdings.

18. *Beneficial ownership.*—The reporting requirements relate only to beneficial ownership, direct and indirect, and changes in beneficial ownership. Record ownership does not, of itself, constitute beneficial ownership. A person filing a report may expressly declare therein that such filing shall not be construed as an admission that he is, for the purposes of Section 16, the beneficial owner of any equity security covered by the report.

The foregoing amendment, as set forth in the printed copy of the form marked "Revision of December 1, 1936,"¹ shall be effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 3662—Filed, December 2, 1936; 12:48 p. m.]

¹Form 4 (Revision of December 1, 1936) has been filed with the Division of the Federal Register; copies are available upon application to the Securities and Exchange Commission, Washington, D. C.

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of November A. D. 1936.

[File No. 2-2561]

IN THE MATTER OF SOUTH UMPQUA MINING COMPANY

ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING OFFICER TO TAKE EVIDENCE

The Commission having heretofore, on November 7, 1936, ordered that a hearing under Section 8 (d) of the Securities Act of 1933, as amended, be held in this matter on November 20, 1936, and, on November 13, 1936, having ordered that such hearing be postponed to December 2, 1936; and

The registrant having requested a further postponement of such hearing,

It is ordered that such hearing be convened on Thursday, December 17, 1936, at 10 o'clock in the forenoon, in Room 218, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Allen MacCullen, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of testimony in this matter, the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 3658—Filed, December 2, 1936; 12:47 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of December A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A NON-PRODUCING WORKING INTEREST IN THE BEAUDOIN-BRIDGES NO. 1 FARM, FILED ON NOVEMBER 19, 1936, BY ONEIDA INVESTING CORPORATION, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 3661—Filed, December 2, 1936; 12:48 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of December A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE STANOLIND-AMERADA-BIERSCHENI FARM, FILED ON NOVEMBER 24, 1936, BY GEORGE C. CREAGER, INC., RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that Item 7 of Division II represents that the Wilcox will be possibly productive on the tract involved at the same depth or less than where it is encountered on the lease referred to in Item 3. Geological data shows this tract to be structurally lower than on the lease referred to. It thus appears that Item 7 is inconsistent with Item 3.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 31st day of December 1936 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered, that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding commence on the 16th day of December 1936 at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 3659—Filed, December 2, 1936; 12:47 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of December A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GARDEN-HAUSCHILD FARM, FILED ON NOVEMBER 24, 1936, BY JAMES R. HAYNES, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the re-

spondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that allowable or estimated figures are used in Items 16 (c) and (d) of Division II for September and October 1936, and that it is stated in Item 16 (a) that there is no water in the production;

2. In that the date shown in Division I, as the date on which the information contained in the sheet will be out of date, is miscalculated based on the items above referred to;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 31st day of December 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered, that Robert P. Reeder, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding commence on the 15th day of December 1936 at 3:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 3660—Filed, December 2, 1936; 12:48 p. m.]

VETERANS' ADMINISTRATION.

REVISION OF REGULATIONS

RECOGNITION OF ATTORNEYS AND AGENTS, RULES OF PRACTICE, AND INFORMATION CONCERNING FEES

5629. All attorneys and agents who have complied with the rules authorized by Veterans' Regulation No. 10, Paragraph XVII, governing the admission of attorneys and agents to practice before the Veterans' Administration in the presentation of claims for pension and who have been duly admitted to practice as such and are in good standing on the date hereof, will be recognized to practice before the Veterans' Administration as attorneys or agents under Public, No. 844, 74th Congress, approved June 29, 1936, without further application on their part or admission by the Veterans' Administration, subject to the provisions of said Public, No. 844, and the regulations and rules promulgated thereunder (December 1, 1936) (Public, No. 844, 74th Congress).

5630. The policy of the Veterans' Administration precludes the admittance to practice as an attorney or agent, any person who is an officer or employee, appointive or elective, or any veteran, welfare, or state, county, or municipal organization engaged in assisting claimants in presenting claims before the Veterans' Administration without fee or emolument. Furthermore, it is contrary to the policy to permit an attorney or agent to transact claims business from or at an office from or at which a veteran or welfare organization, or an agency of a State or other political subdivision, carries on its work incident to assisting claimants in presenting claims before the Veterans' Administration or

to use the stationery of such organization or agency in transacting his claims business (December 1, 1936) (Public, No. 844, 74th Congress).

5631. Applicants for admission to practice as attorneys will be presumed to have such knowledge of the law and regulations as to qualify them to render substantial service, but applicants for admission to practice as agents shall be required to prove their fitness to render substantial service by undergoing a written examination testing their knowledge of the laws administered by the Veterans' Administration and regulations promulgated thereunder, as to which separate instructions will be issued (December 1, 1936) (Public, No. 844, 74th Congress).

ADMISSION TO PRACTICE

5632. Attorneys.—Any person of good moral character and of good repute who is an attorney at law in good standing and a citizen of the United States, or has declared his intention to become such a citizen, may be admitted to practice as an attorney, if not prohibited by law, and represent claimants before the Veterans' Administration, by presenting for that privilege his properly executed application on the form prescribed by the Administrator (V. A. Form 3186) (December 1, 1936) (Public, No. 844, 74th Congress).

5633. Agents.—Any competent person of good moral character and of good repute, who is a citizen of the United States, or who has declared his intention to become such a citizen, and who is not an attorney at law, may be admitted to practice as agent, if not prohibited by law, and represent claimants before the Veterans' Administration by presenting his properly executed application on the form prescribed by the Administrator (V. A. Form 3187) (December 1, 1936) (Public, No. 844, 74th Congress).

5634. All applications for admission to practice should be addressed to and filed with the Administrator of Veterans' Affairs, Washington, D. C., who will, after such consideration and investigation as he may deem necessary, take action thereon (December 1, 1936) (Public, No. 844, 74th Congress).

SUSPENSION AND DISBARMENT

5635. Whenever the Administrator of Veterans' Affairs has knowledge or information that an attorney or agent admitted to practice before the Veterans' Administration is or has engaged in unlawful, unprofessional, or dishonest practice, or has been guilty of disreputable conduct, or is incompetent, or has violated or refused to comply with the laws, regulations, and/or rules governing his practice before the Veterans' Administration, or who shall in any manner deceive, mislead, or threaten any claimant or prospective claimant by word, circular, letter, or advertisement, the Administrator shall give the accused attorney or agent due notice with a statement of the charge or charges against him, which statement shall be sufficiently specific to permit the accused intelligently to make answer thereto, and shall cite said attorney or agent to show cause within 30 days, which time limit may be extended by the Administrator, why he should not be suspended or disbarred from practice. Where deemed proper, attorneys or agents may be temporarily suspended from practice without notice, pending action as herein provided (December 1, 1936) (Public, No. 844, 74th Congress).

5636. If said attorney or agent shall fail to file an answer or other pleading, within the time specified, such charge or charges will be taken as confessed and judgment may be rendered as upon default (December 1, 1936) (Public, No. 844, 74th Congress).

5637. If an answer, under oath, is filed denying the charges, or so explaining them as to raise an issue thereon, a time and place shall then be set for the taking of testimony. The testimony shall be taken at as convenient a place as possible for both the Government and the defendant, and notice shall be served on the defendant informing him of the time and place at which testimony will be taken for the Government, in order that he may be present and cross-examine the witnesses. Testimony shall be reduced to writing and be signed by the witnesses, unless otherwise stipulated, and may be taken before any officer authorized to administer oaths for general

purposes or before any officer or agent of the Veterans' Administration designated for that purpose. After the testimony has been taken, it will be considered; and if the charge or charges be sustained the Administrator will suspend or disbar such attorney or agent from practice before the Veterans' Administration or take such other action thereon as the facts warrant (December 1, 1936) (Public, No. 844, 74th Congress).

5638. Any attorney or agent will be subject to suspension or exclusion from practice as such who knowingly commits or is guilty of any of the following acts, to wit: (a) Presents or prosecutes a fraudulent claim against the United States or the Veterans' Administration; (b) demands or accepts any unlawful compensation for preparing, presenting, or prosecuting any claim before the Veterans' Administration or for advice or consultation concerning such a claim; (c) with intent to defraud has in any manner deceived, misled, or threatened any claimant or prospective claimant by word, circular, letter, or advertisement; (d) who, in the presentation or prosecution of, or in connection with, any matter or business pending before said Veterans' Administration, has as his associate, or employs as his agent, subagent, or correspondent, any person who has been guilty of any of the above-mentioned acts, or who has been denied admission to practice, or is suspended or disbarred from practice before said Veterans' Administration, or who himself acts as the associate, agent, subagent, or correspondent of any such person; or who is otherwise and in any manner whatever guilty of dishonest or unprofessional conduct (December 1, 1936) (Public, No. 844, 74th Congress).

RULES OF PRACTICE

5639. No person other than an accredited representative of a recognized organization shall be recognized in the preparation, presentation, or prosecution of any claim under statutes administered by the Veterans' Administration unless he has been regularly admitted to practice as attorney or agent by the Administrator of Veterans' Affairs, except that any person may be recognized for the purpose of a particular claim upon filing with the office where such claims folder is located a proper power of attorney and a statement signed by such person and the claimant that no fee or compensation of whatsoever nature shall be charged or paid for the services rendered, and except in claims for insurance benefits under a contract in which the Government admits liability on the contract, there is no issue or contest as to the designated beneficiary, and it is reasonably apparent that the attorney or agent will not charge a fee, in this latter class of cases a paragraph substantially as follows should be incorporated in the letter acknowledging receipt of the claim (December 1, 1936) (Public, No. 844, 74th Congress).

The evidence submitted by you in connection with the claim for insurance benefits in the instant case has been received and an adjudication of the claim for benefits will be made as expeditiously as possible. It is understood, of course, that you are not entitled to any fee for services performed by you in connection with the preparation and presentation of this claim, inasmuch as you have not been regularly admitted to practice before the Veterans' Administration by the Administrator of Veterans' Affairs (December 1, 1936) (Public, No. 844, 74th Congress).

5640. Only a duly executed power of attorney confers upon an agent or attorney the right to prepare, present, and prosecute a claim before the Veterans' Administration. Upon receipt of a duly executed power of attorney, the agent or attorney named therein will be informed of the status of the claim, and will be recognized as the sole agent for the preparation, presentation, and prosecution of the claim covered thereby so long as the power of attorney is effective (December 1, 1936) (Public, No. 844, 74th Congress).

5641. A power of attorney, in order to be recognized as good and valid, must be signed by the claimant or his guardian in the presence of two witnesses, neither of whom is the agent or attorney named therein, and be acknowledged before an officer duly authorized to administer oaths for general purposes, or before an employee of the Veterans' Administration to whom authority to administer oaths has

been delegated. No paper in a claim can be executed before the attorney therein without forfeiting his attorneyship rights (December 1, 1936) (Public, No. 844, 74th Congress).

5642. An agent or attorney shall be required to exercise due diligence in all claims in which he is recognized. Neglect to prosecute a claim for six months or failure to furnish evidence called for by the Veterans' Administration within ninety days shall be held, in default of cause shown, presumptive evidence of the abandonment of all attorneyship rights in the claim (December 1, 1936) (Public, No. 844, 74th Congress).

5643. Upon the rejection of a claim the agent or attorney of record and the claimant shall be notified of such rejection and the reason therefor and if within ninety days from the date of such notice no motion for reconsideration or appeal from the ruling made has been filed by the attorney or agent or claimant, the attorney or agent in default of cause shown shall be deemed to have abandoned the case and the claimant may employ any other duly qualified agent, attorney, or other representative (December 1, 1936) (Public, No. 844, 74th Congress).

5644. The claimant shall have the privilege of exercising his right at any stage of the claim to revoke a power of attorney and discharge his attorney or agent upon a showing of cause deemed good and sufficient by the Administrator (December 1, 1936) (Public, No. 844, 74th Congress).

5645. The wilful withholding of an application for pension or evidence by any agent or attorney for any cause shall render such agent or attorney liable to suspension or disbarment (December 1, 1936) (Public, No. 844, 74th Congress).

5646. A change of guardian in any case during pendency of a claim shall not affect the question of attorneyship and fee, but no fee shall be allowed to a guardian who prosecutes the claim of his ward or to a firm of attorneys of which the guardian is a member (December 1, 1936) (Public, No. 844, 74th Congress).

5647. A transfer, assignment, or substitution of attorneyship shall not be recognized, and no agent or attorney shall have the right to make an assignment of any claim in which he has been recognized (December 1, 1936) (Public, No. 844, 74th Congress).

5648. Every agent or attorney who shall, directly or indirectly, request of any Member of either House of Congress, or of any United States Government official or representative (other than one whose duty it is under the law to supervise and administer the laws, rules, and regulations and/or instructions governing benefits under statutes administered by the Veterans' Administration), or any organization recognized by the Veterans' Administration, aid or assistance in the prosecution of a claim, or who shall, directly or indirectly, request or advise a claimant to seek such aid in the prosecution of a claim, shall be subject to inquiry respecting his competency to fully represent a claimant and shall be considered as having forfeited his right to any fee in such case (December 1, 1936) (Public, No. 844, 74th Congress).

5649. Attorneys and agents shall not be furnished with supplies of Veterans' Administration forms but will be required to have them printed at their own expense and in strict accordance with the official forms prescribed by the Veterans' Administration. An attorney or agent may insert a power of attorney in his form over claimant's signature in words about as follows: "I hereby appoint _____ as my attorney to prosecute this claim." The claimant's signature must be attested by two witnesses and fully comply with paragraph 5641; otherwise the power of attorney will be invalid. Every agent, attorney, or other person recognized as entitled to practice before the Veterans' Administration shall submit to the Administrator, in duplicate, copies of all proposed advertising matter, including forms and letterheads, etc., intended to solicit business before the Veterans' Administration, and the Veterans' Administration will notify such attorney or agent of its approval or disapproval. No such advertising matter shall be circulated in any way by an attorney or agent prior to its approval. The use by an agent or attorney of the characters "U. S.", or the words "United States", as a part of his title

or of the title of his business shall not be permitted. Agents will not designate themselves as attorneys at any time except in a power of attorney (December 1, 1936) (Public, No. 844, 74th Congress).

5650. When an agent, attorney, or other person incurs any expense in the prosecution of a claim, he must file a sworn itemized account of such expense with the Veterans' Administration to be retained in the claims file as part of the permanent record and secure the approval thereof before demanding or receiving reimbursement from the claimant by the director of the service handling the claim, or his designate, if the claim is adjudicated in central office, or by the adjudication officer, or his designate, if the claim is adjudicated in the field, provided that in all claims other than those involving compensation and pension the approval shall be made in central office as above indicated. Notice of the action taken in all cases shall be transmitted to the attorney concerned by the service handling the claim (December 1, 1936) (Public, No. 844, 74th Congress).

5651. Attorneys or agents shall not, directly or indirectly, solicit, contract for, charge, or receive, or attempt to solicit, contract for, charge, or receive, any fee or compensation whatsoever for advice or consultation concerning the laws administered by the Veterans' Administration and the regulations, and/or rules based thereon or for service to claimants thereunder, except such fee or compensation as is herein provided, whether a claim has been or is thereafter filed, or no claim is filed for the person in whose behalf such advice or consultation is given or held or service rendered. Any agent or attorney who shall so do shall thereby subject himself to suspension or disbarment to practice before the Veterans' Administration and to the applicable penal provisions of the law (December 1, 1936) (Public, No. 844, 74th Congress).

FEES

5655. Except where prohibited by law and except in those cases where the person has been recognized in a particular claim, or has been recognized in an insurance claim without having been regularly admitted to practice as an agent or attorney by the Administrator of Veterans' Affairs, and except in accrued claim and burial claims, a fee of \$10 in an original claim for monetary benefits under the statutes administered by the Veterans' Administration and a fee of \$2 in a claim for increase for such benefits, will be payable to the agent or attorney of record in an allowed claim. In the excepted cases referred to above no fee whatsoever may be paid to or charged by an agent or attorney (December 1, 1936) (Public, No. 844, 74th Congress).

5656. When a claim involving monetary benefits has been allowed and for any reason the monetary benefits so allowed are reduced or held terminated, or the claimant has been cited to show cause why they should not be reduced or terminated, proceedings looking to the continuation of such monetary benefits originally allowed will be considered a claim for monetary benefits and a fee of \$10 will be payable in the event the monetary benefits originally allowed are continued, such fee to be deducted from the amount of monetary benefits subsequently payable (December 1, 1936) (Public, No. 844, 74th Congress).

5657. The fee provided in paragraph 5655 shall be due and payable only upon the approval of the claim by the Veterans' Administration and then only in the event the attorney or agent has rendered material service in the prosecution of the claim (December 1, 1936) (Public, No. 844, 74th Congress).

5658. At the time of allowance of the claim an award of the attorney's fee, if same is found due, will be made and paid by deduction from the monetary benefit allowed, but only to the attorney or agent of record at the time of allowance. The attorney to be entitled must have been admitted to practice before the Veterans' Administration and in good standing at the time of such award (December 1, 1936) (Public, No. 844, 74th Congress).

5659. Consideration as to the entitlement of an attorney or agent to a fee in any claim wherein a fee has been denied will not be entertained unless an appeal from the action taken by the Administration denying the fee is filed in the

Veterans' Administration within one year from the date of such action (December 1, 1936) (Public, No. 844, 74th Congress).

RECOGNITION OF GRATUITOUS SERVICES

See 5639 and 5655.

BANKS OR TRUST COMPANIES ACTING AS GUARDIANS FOR VETERANS

5663. Banks or trust companies, corporate entities, acting as guardians for claimants, may be represented before adjudicating agencies as authorized representatives of claimants by an officer or employee thereof, including a regularly employed attorney, if such employee or attorney represents the corporation in its fiduciary capacity, but no fee may be allowed for such services under paragraph 5646 (December 1, 1936) (Public, No. 844, 74th Congress).

Paragraphs 5652, 5653, 5654, 5660, 5661, and 5662 canceled December 1, 1936.

[SEAL]

FRANK T. HINES,

Administrator of Veterans' Affairs.

[F. R. Doc. 3628—Filed, December 1, 1936; 3:24 p. m.]

Friday, December 4, 1936

No. 188

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48663]

CUSTOMS REGULATIONS AMENDED—TARE

CUSTOMS REGULATIONS, OF 1931 AMENDED TO PROVIDE FOR TARE OF 2½ PERCENT FOR INEDIBLE COVERING AROUND CHEESE KNOWN AS PECORINO, ROMANO, SARDO, AND PECORINO GENUINO ROMANO

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in section 507 of the Tariff Act of 1930 (U. S. C., 1934 ed., title 19, sec. 1507), article 1355 (d) of the Customs Regulations of 1931 is amended by the addition thereto of the following paragraph:

Cheese known as Pecorino, Romano, Sarde, and T. D. 48284 Pecorino Genuino Romano: Allow 2½ percentum from net weight of cheese for inedible protective covering in computing dutiable value, and in computing duty at specific rate.

[SEAL]

J. H. MOYLE,

Commissioner of Customs.

Approved, November 24, 1936.

WAYNE C. TAYLOR,

Acting Secretary of the Treasury.

[F. R. Doc. 3664—Filed, December 2, 1936; 3:14 p. m.]

[T. D. 48671]

AIRPORTS OF ENTRY

CERTAIN AIRPORTS DESIGNATED AS AIRPORTS OF ENTRY WITHOUT TIME LIMIT

To Collectors of Customs and Others Concerned:

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U. S. C., title 49, sec. 177 (b)), the following airports are hereby designated as airports of entry for the landing of aircraft from foreign countries, effective November 30, 1936:

Skagway Municipal Airport, Skagway, Alaska.
Wrangell Seaplane Base, Wrangell, Alaska.

[SEAL]

J. H. MOYLE,

Commissioner of Customs.

Approved, November 27, 1936.

WAYNE C. TAYLOR,

Acting Secretary of the Treasury.

[F. R. Doc. 3663—Filed, December 2, 1936; 3:14 p. m.]

